

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00450

**Rodrick Elliott,**

*Plaintiff,*

v.

**Maxey Cerliano,**

*Defendant.*

**O R D E R**

Plaintiff Rodrick Elliott, an inmate proceeding pro se, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell. On May 19, 2022, the magistrate judge issued a report recommending that plaintiff's lawsuit be dismissed, without prejudice, for plaintiff's failure to comply with an order of the court. Doc. 11.

The magistrate judge also recommended that, pursuant to *Campbell v. Wilkinson*, the statute of limitations be suspended for a period of sixty days upon issuance of final judgment. 988 F.3d 798, 801 n.1 (5th Cir. 2021) (explaining that “[w]here further litigation of [a] claim will be time-barred, a dismissal without prejudice is no less severe a sanction than a dismissal with prejudice, and the same standard of review is used”). A copy of this report was sent to plaintiff at his address. To date, however, no objections to the report have been filed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. See *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Plaintiff's civil-rights action is therefore dismissed, without prejudice, for plaintiff's failure to comply with an order of the

court. The statute of limitations is hereby suspended for a period of sixty days upon issuance of final judgment. Any pending motions are denied.

*So ordered by the court on July 7, 2022.*



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J. CAMPBELL BARKER  
United States District Judge